

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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U.S. DIST. COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

UNITED STATES COMMODITY
FUTURES TRADING COMMISSION

Plaintiff,

v.

INVESTORS FREEDOM CLUB, L.C.,
WILLIAM A. FOLINO, and
GEORGE BELANGER,
D/B/A IFC LC,
INVESTMENT FREEDOM CLUB,
VENTURE FREEDOM FUND LTD.,
AND VENTURE FREEDOM
FOUNDATION,

Defendants,

and

TINA N. FOLINO,

Relief Defendant.

CIVIL ACTION NO.

8:03-CV-54-T-17TGW

EX PARTE STATUTORY
RESTRAINING ORDER,
AND ORDER GRANTING LEAVE
TO CONDUCT EXPEDITED
DISCOVERY

SEALED

I certify the foregoing to be a true
and correct copy of the original.

SHERYL L. LOESCH, Clerk
United States District Court
Middle District of Florida

By: *[Signature]*
Deputy Clerk

FILED UNDER SEAL

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a Complaint for permanent injunction and other relief, and moved pursuant to Section 6c(a) of the Commodity Exchange Act ("Act"), as amended, 7 U.S.C. § 13a-1(a) (1994), for a statutory restraining order freezing the assets of the defendants, prohibiting the defendants from destroying any business records, books or documents and granting leave to take expedited discovery. This Court has considered the pleadings, declarations, exhibits, and

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memorandum filed in support of the Commission's motion. As it appears that this Court has jurisdiction over the subject matter of this case and that venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e); that Section 6c of the Act, 7 U.S.C. § 13a-1, authorizes *ex parte* relief; that there is good cause to believe that defendants have engaged in, are engaging in or are about to engage in violations of the Act and the Commission's Regulations; and that this a proper case for granting an *ex parte* statutory restraining Order to preserve the *status quo*, protect customers from loss and damage, and enable the Commission to fulfill its statutory duties, this Court orders as follows:

DEFINITIONS

For the purposes of this Order, the following definitions apply:

1. "Assets" means any legal or equitable interest in, right to, claim to, or control over, any real or personal property, including but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts, credits, receivables, lines of credit, contracts, insurance policies, and all cash, wherever located.
2. The term "document" is synonymous in meaning and equal in scope to the usage of the term in Fed. R. Civ. P. 34(a), and includes, but is not limited to, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

3. "Defendants" means Investors Freedom Club, L.C., William A. Folino and George Belanger, all d/b/a IFC L.C., Investment Freedom Club, Venture Freedom Fund Ltd. and Venture Freedom Foundation; any person insofar as that person is acting in the capacity of an officer, agent, servant, employee, or attorney of Investors Freedom Club, L.C., William A. Folino and George Belanger, all d/b/a IFC L.C., Investment Freedom Club, Venture Freedom Fund Ltd. and Venture Freedom Foundation; and any person who receives actual notice of this Order by personal service or otherwise insofar as that person is acting in concert or participation with Investors Freedom Club, L.C., William A. Folino and George Belanger, all d/b/a IFC L.C., Investment Freedom Club, Venture Freedom Fund Ltd. and Venture Freedom Foundation.

4. "Relief Defendant" means Tina Noa Folino; any person insofar as that person is acting in the capacity of an officer, agent, servant, employee, or attorney of Tina Noa Folino; and any person who receives actual notice of this Order by personal service or otherwise insofar as that person is acting in concert or participation with Tina Noa Folino.

RELIEF GRANTED

Asset Freeze

I

IT IS HEREBY ORDERED that defendants and relief defendant, and all other persons or entities who receive notice of this Order by personal service or otherwise, except as otherwise ordered by this Court, are restrained and enjoined from directly or indirectly:

A. transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, removing, or otherwise

disposing of any funds, assets, or other property, wherever located, in which defendants have an interest, including assets held by or on behalf of defendants or relief defendant within or outside the United States, and including both existing assets and assets acquired after the date of this Order, except as otherwise ordered by the Court; and

B. opening or causing to be opened any safe deposit boxes titled in the name of, or subject to access by, the defendants.

Maintenance of and Access to Business Records

II

IT IS FURTHER ORDERED that defendants and relief defendant and all persons or entities who receive notice of this Order by personal service or otherwise, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any documents within the actual or constructive possession of any defendant or relief defendant, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and any corporate and partnership entity in which any defendant or relief defendant has an interest.

Inspection and Copying of Books and Records

III

IT IS FURTHER ORDERED that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of the defendants, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and corporate and partnership entities in which

defendants have an interest, including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated.

Expedited Discovery

IV

IT IS FURTHER ORDERED that the parties are granted leave, at any time after service of this Order, to take the deposition of and demand the production of documents from any person or entity for the purpose of discovering information pertaining to the assets, business transactions or business records of the defendants; forty-eight (48) hours notice shall be deemed sufficient for any such deposition and five (5) days notice shall be deemed sufficient for the production of any such documents. Nothing in this paragraph shall limit the Commission's authority, as set forth in paragraph III of this Order, to immediately inspect the books, records, and other documents of defendants, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and corporate and partnership entities in which defendants have an interest. The limitations and conditions set forth in Federal Rule of Civil Procedure 30(a)(2)(B) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Paragraph. Nor shall any depositions taken pursuant to this Paragraph count towards the ten deposition limit set forth in Federal Rule of Civil Procedure 30(a)(2)(A).

Service of Order

V

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents or assets of the defendants or that may be subject to any provision of this Order, and, additionally, that representatives of the Commission, are specially appointed by the Court to effect service.

IT IS FURTHER ORDERED that the U.S. Marshal's Service is directed to assist the Commission in the service of the summons, complaint, and this statutory restraining Order on defendants. Service of the summons, Complaint or other process may also be effected in accordance with Fed. R. Civ. P. 4.

Force and Effect

VI

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until further order of this Court, and that this Court retains jurisdiction of this matter for all purposes.

SO ORDERED, at TAMPA, Florida on this 15th day of

JANUARY, 2003, at 12:15pm.



UNITED STATES DISTRICT JUDGE

ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE